UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
KHATTAR, RAJESH

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3693	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 December 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-23</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>24-35</u> is/are rejected.

7)☒ Claim(s) <u>31</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

This Office Action is in response to Applicant's communication filed on

12/20/2007. Claims 1-23 have been canceled. New claims 24-35 have been added.

As such, claims 24-35 are pending in the application.

Claim Objections

Claim 31 is objected to because of the following informalities:

The use of the term "in which said system is processed" is unclear to the

Examiner. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24-27, 30-33 and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Buckwalter et al. US Patent Application No. 2004/0254877 in view of

Abelow US Patent No. 5,999,908 in view of Eicher et al., US Patent Application No.

2002/0099578 and further in view of Keiser, US Patent No. 6,505,174. Buckwalter

discloses a securities system having a computer processor means for processing data;

a storage means for storing said data on a storage medium; a communication means

for transmitting data in a secure environment to and from various remote locations; and

a computer software means for creating and displaying trade data concerning a

particular trade in the form of a trade record that has the capability of transmitting price

instability alerts over a network ([0038]-[0042]) where said price instability alerts are

dynamic and static (Abstract; [0002], [0005], [0007], [0008], [0032]-[0033]) where said

computer software means comprise a means for inputting and storing system

information on said storage means (Examiner notes that means for inputting and storing

system information is obviously present in any computing device e.g. [0038]-[0042]) and

where the system creates a static dynamic price instability alert (Abstract; [0002],

[0005], [0007], [0008], [0032]-[0033]); and *a separate dynamic price instability alert that*

senses the direction of the security (Abstract; [0002], [0006], [0007], [0054], [0055]) *and*

moves the price instability alert larger or smaller accordingly where the trading of

securities are done directly between rights holders (Abstract; [0002], [0006], [0007],

[0054], [0055], trading of securities is obviously between the rights holders), *where said*

system contains buyer and seller Portfolio information and has a Portfolio Summary

screen which displays portfolio information for a given buyer or seller.

Examiner is interpreting price instability to be associated with different order

pricing and execution characteristics associated with trades at different exchanges.

Examiner is interpreting these alerts to be static in nature as these alerts (or message)

will not get refreshed due to changes in the marketplace. Buckwalter fails to disclose

that the alerts are *dynamic and static*. However, Abelow discloses this limitation (col.

53, lines 62-col. 54, lines 54). Therefore, it would have been obvious for a person

having ordinary skills in the art at the time the invention was made to modify the

invention of Buckwalter to include the disclosure of Abelow. One would have been

motivated to do so in order to automatically inform traders when pre-specified triggers are satisfied as illustrated by Abelow.

Buckwalter and Abelow do not specifically disclose *moving the price instability alert larger or smaller accordingly*. However, Eicher discloses this limitation (claim 6). Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Buckwalter and Abelow to include the disclosure of Eicher. One would have been motivated to do so in order to adjust alert threshold based on historical data collected during a buyer-supplier engagement as evidenced by Eicher.

Buckwalter, Abelow and Eicher do not specifically disclose where *said system contains buyer and seller Portfolio information and has a Portfolio Summary screen which displays portfolio information for a given buyer or seller*. Keiser discloses this feature (col. 2, lines 50-55; col. 15, lines 11-20).

Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Buckwalter, Abelow and Eicher to include the disclosure of Keiser. One would have been motivated to do so in order to display user's current cash balance, amount held in stocks, bonds and other types of securities as illustrated by Keiser.

Regarding claim 25, Buckwalter discloses a system which moves an existing beneficial rights holder order book into a market auction after a price instability alert ([0056]).

Regarding claim 26, Buckwalter discloses a system which creates a random time element auction to last for a given period of time ([0056]).

Regarding claim 27, Buckwalter discloses a system which displays the beneficial rights holder in the order book during the auction bid and ask book creation (Abstract; [0007]). Buckwalter does disclose adding or changing entries in the limit order database **600** and/or the alert database **700**.

Regarding claim 30, Buckwalter discloses a system is a data processing system (claims 32-26).

Regarding claim 31, Buckwalter discloses a system is processed in a client server system (claims 32-36).

Regarding claim 32, Buckwalter discloses a system is connected to through the Internet ([0046]).

Regarding claim 33, Buckwalter discloses a system is connected to wireless devices ([0046]).

Regarding claim 35, Keiser discloses a Portfolio Summary in the preferred will display the Equity Positions and Securities position held on the Portfolio displayed (col. 2, lines 50-55; col. 15, lines 11-20)

Claims 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckwalter in view of Abelow in view of Eicher in view of Keiser and further in view of a non-patent literature titled Yahoo Finance. Buckwalter, Abelow, Eicher and Keiser disclose their invention as described above. All fail to disclose a charting display, which charts how well a portfolio is doing and in which the charting display can be for 1, 5 or

30 days or 1 year, 3 years or 5 years. Yahoo Finance discloses these features (see attached). Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Buckwalter, Abelow, Eicher, Keiser to include the disclosure of Yahoo Finance. One would have been motivated to do so in order to display the performance of an index.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckwalter in view of Abelow in view of Eicher in view of Keiser and further in view of Stoneking et al., US Patent Application No. 2003/0050814. Buckwalter, Abelow, Eicher and Keiser disclose their invention as described above. All fail to disclose a system is used by regulators to look for fraud. However, Stoneking discloses this feature ([0053]). Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Buckwalter, Abelow, Eicher, Keiser to include the disclosure of Stoneking. One would have been motivated to do so in order to measure the presence of fraud risk factors within a company as illustrated by Stoneking.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner withdraws previously cited claim objection and 35 U.S.C. 112, 2nd paragraph rejection in view of the amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJESH KHATTAR whose telephone number is (571)272-7981. The examiner can normally be reached on Flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/R. K./
Examiner, Art Unit 3693